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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,464	01/08/2002	Martinus Jacobus Coenen	NL 010013	4148
24737	7590	03/16/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			CHEN, TSE W	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2116	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,464	COENEN, MARTINUS JACOBUS	
	Examiner Tse Chen	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 February 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    Paper No(s)/Mail Date. \_\_\_\_\_  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_                    5) Notice of Informal Patent Application (PTO-152)  
 \_\_\_\_\_                    6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment dated February 15, 2005.
2. Claims 1-10 are presented for examination.
3. The rejections of the claims are respectfully maintained and reproduced infra for Applicant's convenience.

### *Specification*

4. The disclosure is objected to because of the following informalities: the sections are not labeled as specified in 37 CFR 1.77(b). Appropriate correction is required.
5. According to 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.

- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Smentek et al.,

US Patent 5740087, hereinafter Smentek.

8. In re claims 1 and 2, Smentek discloses a method of and means for power management in a digital processing apparatus [col.1, ll.6-11], comprising:

- Receiving a free-running master clock signal [col.3, ll.29-51] and means therefor.
- Generating a plurality of sub-clocking signals from said master clock signal and means therefor, wherein said plurality of sub-clocking signals change from a power-up rest condition to a free running condition one at a time, following an initial switch-on of said digital processing apparatus (30) [col.3, 1.52 – col.4, 1.26].

9. As to claim 3, Smentek discloses, wherein each sub-clocking signal is used to clock a separate data processing part [functional block] of the apparatus [col.2, 1.65 – col.3, 1.28].

10. As to claim 4, Smentek discloses, wherein each data processing part comprises circuitry [combinational logic, state machines] for processing a particular serial data bit or bits of a data word [col.2, 1.65 – col.3, 1.28].

11. As to claim 5, Smentek discloses, wherein said digital signal processing apparatus has a particular maximum data width and wherein said plurality of sub-clocking signals corresponds to

said maximum data width [col.3, ll.19-28; maximum data width is processed completely by pipeline].

12. As to claim 6, Smentek discloses, wherein during a switch-off phase of said digital processing apparatus, said plurality of sub-clocking signals change from a free running condition to a rest condition one at a time [fig.2; col.3, l.29 – col.4, l.26; start propagates down chain and disabling trailing functional blocks].

13. As to claim 7, Smentek discloses wherein said means for receiving a master clocking signal and generating a plurality of sub-clocking signals comprise:

- A shift register [latches 146-160] for providing a plurality of enabling signals, said plurality of enabling signals each changing from a non-active rest condition to an active normal condition and thereafter remaining at said active normal condition, said plurality of enable signals changing from the rest condition to the normal condition one at a time at predetermined time intervals following the initial switch on [col.3, l.29 – col.4, l.47].
- Logic circuitry [114] for receiving the enable signals and sequentially enabling the production of the sub-clocking signals [col.3, l.29 – col.4, l.47].

14. As to claim 8, Smentek discloses, wherein the logic circuitry comprises means [e.g., 147, 149] for ANDing respective enable signals with the master clock [fig.1; col.3, l.29 – col.4, l.47].

15. As to claim 9, Smentek discloses, wherein the logic circuitry comprises a number of AND gates corresponding to the number of enable signals, each AND gate having a first input for receiving its respective enable signal and a second input for receiving the master clocking signal, said sub-clocking signals being produced at the respective outputs of said AND gates [fig.1; col.3, l.29 – col.4, l.47].

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16. In re claim 10, Smentek discloses a digital processing apparatus [digital system] [abstract] comprising:

- A device in accordance with the limitations as discussed above in reference to claim 2.
- A plurality of discrete data processing parts [functional blocks], each of said data processing parts being clocked by a respective one of said plurality of sub-clocking signals [col.2, l.65 – col.3, l.28].

***Response to Arguments***

17. All rejections of claim limitations as filed prior to Amendment dated February 15, 2005 not argued in entirety or substantively in response filed as said Amendment have been conceded by Applicant and the rejections are maintained from henceforth.

18. Applicant's arguments, with respect to claim 1, have been fully considered but they are not persuasive. Applicant alleges that in Smentek, "signals are 'single-shot' signals... they are not free-running sub-clocks as in the present invention". Examiner notes that the feature upon which applicant relies (i.e., *continuously* free-running clock) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, Examiner is entitled to take the broadest interpretation [e.g., clock that runs for one shot] and apply the reference accordingly.

19. All other claims were not argued separately.

***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tse Chen



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